UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,819	01/10/2002	Barry Katz	P/4243-2	5676

2352 7590 07/13/2007
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER	
CHOI, PETER H	
ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
07/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/045,819	KATZ, BARRY	
	Examiner	Art Unit	
	Peter Choi	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 2, 2007 has been entered.

2. The following is a **NON-FINAL** office action upon examination of application number 10/045819.

Response to Amendment

3. Claims 1, 19, 20 and 21 have been amended. Claims 1-22 are currently pending.

4. The previous rejection of claim 19 raised under 35 USC 112, first paragraph, is withdrawn in view of claim amendments received May 2, 2007.

5. The previous rejection of claims 19-20 raised under 35 USC 112, first paragraph, are withdrawn in view of claim amendments received May 2, 2007.

Response to Arguments

6. Applicant's arguments are directed towards newly added limitations in the amendment received May 2, 2007, and have been addressed in the updated Office Action below.

Official Notice

Applicant has attempted to challenge the Examiner's taking of Official Notice in the Office Action mailed May 4, 2006. There are minimum requirements for a challenge to Official Notice:

(a) In general, a challenge, to be proper, must contain adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice

(b) Applicants must seasonably traverse (challenge) the taking of Official Notice as soon as practicable, meaning the next response following an Office Action. If an applicant fails to seasonably traverse the Official Notice during examination, his right to challenge the Official Notice is waived.

Applicant has not provided adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice. Therefore, the presentation of a reference to substantiate the Official Notice is not deemed necessary. The Examiner's taking of Official Notice has been maintained.

Bald statements such as, "the Examiner has not provided proof that this element is well known" or "applicant disagrees with the Examiner's taking of Official Notice and hereby requests evidence in support thereof", are not adequate and do not shift the burden to the Examiner to provide evidence in support of the Official Notice.

In the previous Office Action mailed May 4, 2006, notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

- The concepts of electronic billing and payments are old and well known in the art
- Providing customers with additional information about their destination is old and well known in the transportation arts
- Providing users with computerized drop down menus enabling users to choose a type of transportation and view the potential costs is old and well known in the travel/transportation arts
- Providing customers with a list of predefined destinations/routes from which to choose form is old and well known in the art
- It is old and well known in the art for transportation providers to advertise to customers within the means of transportation (such as buses, taxis, trains, etc.).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-2, 4-5, 9-11, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culbertson (U.S Patent #5,799,263) in view of Smith et al. (US Patent #6,430,496).

As per claim 1, Culbertson teaches a method for dispatching vehicles for pickup and delivery, using a computerized and at least partially automated system, the method comprising the steps of:

(a) receiving a telephone signal comprising an electronic indication in a calling signal of a location of a pickup site **(transit request is preferably made by telephone, with the user initiating a call from their location to a dispatching computer system)** [Column 3, lines 40-42];

(b) automatically determining the pickup site based on the electronic indication **(the request telephone number of an incoming transit request is captured automatically by an incoming call identification device associated with the telephone communication system; the dispatching computer first associates the incoming request telephone number and destination telephone number with a request location and a destination location, respectively, within the transit cell, and also determines a request direction using the request and destination locations. The dispatching means or dispatching computer then assigns the respective transit request to a matching intracell vehicle route)** [Column 3, lines 40-63];

(c) receiving ultimate destination information for a customer **(in each transit request, the user inputs at least a destination identifier, preferably a telephone number and perhaps a request telephone number or other location identifier)** [Column 3, lines 45-48];

(d) contacting and identifying the vehicle available for effecting a pickup at the determined pickup site **(each transit cell includes a dispatching system for dispatching intracell vehicles within the associated transit cell to service transit requests made from the cell; local dispatching system dispatches an intracell vehicle to pick up the passenger or user)** [Column 6, lines 5-8, 23-25];

(e) issuing instructions to the vehicle to proceed to the determined pickup site and to deliver to the ultimate destination of the customer **(local dispatching system at the destination terminal automatically dispatches a local intracell vehicle to pick up the passenger at the terminal and travel to the desired destination location)** [Column 6, lines 31-34].

Although not explicitly taught by Culbertson, Smith et al. teaches the steps of:

(f) determining whether the customer has been picked up **(a human dispatcher 16 will evaluate the dispatch record and take the appropriate action, for example, calling individual vehicles to ensure that they have in fact not completed their current assignments; one of the important functions of the vehicle monitoring process is to determine if a vehicle is late for arrival at its pickup site and, if so, to warn the human dispatchers 16 so that the appropriate**

action can be taken, for example, calling the customer to inform them that the vehicle will be late) [Column 14, lines 38-41, Column 19, line 58-Column 20, line 54]; and

(g) providing periodic status information to the customer based upon the determination **(a human dispatcher 16 will evaluate the dispatch record and take the appropriate action, for example, calling the customer who requested the job to inform them that a vehicle will be dispatched late for the pickup; one of the important functions of the vehicle monitoring process is to determine if a vehicle is late for arrival at its pickup site and, if so, to warn the human dispatchers 16 so that the appropriate action can be taken, for example, calling the customer to inform them that the vehicle will be late)** [Column 14, lines 38-43, Column 19, lines 58-63].

Both Culbertson and Smith et al. are directed towards dispatching vehicles to provide transportation services; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to determine whether a customer has been picked up, and provide periodic status information upon that determination, because doing so would enable the Culbertson-Smith combination to provide continual, automated system status management to identify transportation services which are not being adequately provided, which is a goal of Smith et al. [Abstract, Column 3, lines 43-44].

As per claim 2, Culbertson teaches the dispatching system of claim 1, wherein the vehicles being dispatched are selected from a group consisting of taxis, limousines, ambulances, school buses, and trucks **(the intracell vehicles may be large buses or rail vehicles)** [Column 3, lines 35-36].

As per claim 4, Culbertson teaches the method of claim 1, including enabling customers to communicate with a central dispatching system **(passenger or user makes a transit request, preferably from home using their own home telephone)** which handles calls to dispatched vehicles dispersed **(each intracell vehicle has mounted therein a dispatch signal display device or means for receiving dispatch signals for the particular intracell vehicle and for displaying vehicle operator information)** over many different cities and comprising many different operators of vehicle fleets **(the teachings of Culbertson are applied to a plurality of transit cells, each cell covering a geographic area. A small town may include a single cell, whereas larger towns and cities may have many different transit cells. Culbertson is not limited by the number of transit cells that may be included in the system. Each transit cell has a plurality of intracell vehicles, each vehicle being operated by different operators)** [Column 3, lines 7-17, Column 4, lines 13-16, Column 6, lines 21-22].

As per claim 5, Culbertson teaches the method of claim 1, further including providing from the vehicles that are being dispatched, global positioning information and

tracking the location of vehicles both prior to and en route to pickups **(each transit cell vehicle includes a transmitter and receiver for receiving dispatch signals from the dispatching system and for transmitting vehicle status signals to the dispatching system; the vehicle may further include a vehicle location sensor such as GPS device or other suitable device which may be used to produce the vehicle location component of vehicle status signals)** [Column 6, lines 60-64, Column 7, lines 13-16].

As per claim 9, Culbertson does not explicitly teach the method of claim 1, further including providing monthly statements and account information to repeat customers electronically.

However, it has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that the concepts of electronic billing and payments are old and well known in the arts. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to include electronic billing and payments to customers because electronic billing and payment is very convenient for consumers and for businesses, as billing information only need be entered once, results in lower paper and postage costs for both parties, and may lead to increased customer retention since a customer may be more likely to conduct repeat business where their information has already been entered and stored.

As per claim 10, Culbertson teaches the method of claim 1, further including using ANI and/or DNIS for determining customer locations **(when telephone numbers are used to identify locations, transit request communications device preferably includes a caller ID apparatus for automatically capturing the telephone number of the incoming transit request)** [Column 7, line 65 – Column 8, line 2].

As per claim 11, Culbertson teaches the method of claim 1, further comprising a lookup table for customers that is indexed based on customer's telephone numbers **(mass storage stores a phone number/location database which is searched to obtain location information for the particular request including a request location and destination; using telephone numbers to identify physical locations of a request and destination makes maximum use of existing infrastructure and makes the system easy to use, because a user may simply use their phone directory to obtain all the information they need to request service)** [Column 8, lines 21-22, 25-29, 58-62].

As per claims 15 and 16, Culbertson does not explicitly teach the method of claim 1, further including providing to customers ancillary data comprising entertainment information, accommodation information and/or transportation information about destination sites.

However, it has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that it is old and well known in the transportation arts to provide customers with additional information about their destination. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson with ancillary data about entertainment, accommodations and transportation about the customer's destination site, because the resulting combination would provide cross-promotional opportunities (such as referral fees) with businesses, hotels, attractions, airlines, etc. at the customer's destination, and would provide opportunities for advertising revenue from partner businesses (such as hotels, attractions, etc.) that the customer may be interested in.

As per claim 17, Culbertson does not explicitly teach the method of claim 1, further comprising enabling customers to communicate via computers that have drop down menus providing a choice of options to potential customers, including a type of car, trip rate calculations and cost information.

However, it has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that it is old and well known in the travel/transportation art to provide users with computerized drop down menus enabling users to choose a type of transportation and view the potential costs. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to provide drop down menus with a choice of options, because

the resulting combination would enable users to schedule customized transportation accommodations and view the financial consequences of their decisions.

As per claim 18, Culbertson does not explicitly teach the method of claim 1, further comprising providing to repeat customers a menu of a plurality of destination addresses for a customer to choose from.

However, it has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that it is old and well known in the art to provide customers with a list of predefined destinations/routes from which to choose from. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to include a list of predefined destinations/routes from which a customer can choose from, because the resulting combination would facilitate the assignment of customers to vehicles already servicing a particular destination/route.

As per claim 19, Culbertson teaches a method for dispatching vehicles for pickup and delivery, using a computerized system **(the transit system may be implemented with standard computer and communications hardware or specialized hardware)** [Column 7, lines 17-190], the method comprising the steps of:

(a) receiving a telephone signal comprising an electronic indication in a calling signal of a location of a pickup site **(transit request is preferably made by telephone,**

with the user initiating a call from their location to a dispatching computer system) and a telephone number of a destination site for a customer **(in each transit request the user inputs at least a destination identifier, preferably a telephone number, and perhaps a request telephone number; the request telephone number of an incoming transit request is captured automatically by an incoming call identification device associated with the telephone communication system; upon receipt of the request and destination telephone numbers, the dispatching computer first associates the incoming request telephone number and destination telephone number with a request location and a destination location)** [Column 3, lines 40-59];

(b) determining, by the computerized system, the locations of the pickup **(the request telephone number of an incoming transit request is captured automatically by an incoming call identification device associated with the telephone communication system; the dispatching computer first associates the incoming request telephone number and destination telephone number with a request location and a destination location, respectively, within the transit cell, and also determines a request direction using the request and destination locations. The dispatching means or dispatching computer then assigns the respective transit request to a matching intracell vehicle route)** [Column 3, lines 40-63] and destination sites **(in each transit request, the user inputs at least a destination identifier, preferably a telephone number and perhaps a request**

telephone number or other location identifier) [Column 3, lines 45-48] by using the received information;

(c) contacting and identifying a vehicle of the vehicles available for effecting a pickup at the determined pickup site **(each transit cell includes a dispatching system for dispatching intracell vehicles within the associated transit cell to service transit requests made from the cell; local dispatching system dispatches an intracell vehicle to pick up the passenger or user)** [Column 6, lines 5-8, 23-25];

(d) issuing instructions to the identified vehicle to proceed to the determined pickup site and to deliver to the ultimate destination of the customer **(local dispatching system at the destination terminal automatically dispatches a local intracell vehicle to pick up the passenger at the terminal and travel to the desired destination location)** [Column 6, lines 31-34].

Although not explicitly taught by Culbertson, Smith et al. teaches the steps of:

(a) receiving, over the Internet, information **(Incoming requests may also be accepted by various other methods; for other, remote facilities may enter information over a radio, or satellite, or Internet)** [Column 4, lines 65-67];

(f) determining whether the customer has been picked up **(a human dispatcher 16 will evaluate the dispatch record and take the appropriate action, for example, calling individual vehicles to ensure that they have in fact not completed their current assignments; one of the important functions of the vehicle monitoring process is to determine if a vehicle is late for arrival at its**

pickup site and, if so, to warn the human dispatchers 16 so that the appropriate action can be taken, for example, calling the customer to inform them that the vehicle will be late) [Column 14, lines 38-41, Column 19, line 58-Column 20, line 54]; and

(g) providing periodic status information to the customer based upon the determination **(a human dispatcher 16 will evaluate the dispatch record and take the appropriate action, for example, calling the customer who requested the job to inform them that a vehicle will be dispatched late for the pickup; one of the important functions of the vehicle monitoring process is to determine if a vehicle is late for arrival at its pickup site and, if so, to warn the human dispatchers 16 so that the appropriate action can be taken, for example, calling the customer to inform them that the vehicle will be late)** [Column 14, lines 38-43, Column 19, lines 58-63].

Both Culbertson and Smith et al. are directed towards dispatching vehicles to provide transportation services; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to receive customer pickup and destination site information over the Internet, and further to determine whether a customer has been picked up, and provide periodic status information upon that determination, because doing so would enable the Culbertson-Smith combination to document needed transportation services in a database, and further to provide continual, automated system status management to identify

transportation services which are not being adequately provided, which are goals of Smith et al. [Abstract, Column 3, lines 43-44].

As per claim 20, Culbertson does not explicitly teach the method of claim 1, including displaying, by the identified vehicle, advertising messages.

However, it has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that it is old and well known in the art for transportation providers to advertise to customers within the means of transportation (such as buses, taxis, trains, etc.). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Culbertson to advertise to customers while utilizing transportation services, because the resulting combination would provide cross-promotional opportunities (such as referral fees) with businesses, hotels, attractions, airlines, etc. at the customer's destination, and would provide opportunities for advertising revenue from partner businesses (such as hotels, attractions, etc.) that the customer may be interested in.

9. Claims 3 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culbertson in view of Smith et al. as applied to claim 1 above, and further in view of Ayed (U.S Patent #6,756,913).

As per claim 3, although not explicitly taught by the combined teachings of Culbertson and Smith et al., Ayed teaches the method of claim 1, comprising enabling customers at the pickup sites to interact with a central, at least partially automated, dispatching system through interactive voice communication **(voice recognition/synthesizer system converts voice to text. It converts user's requests and instructions into a textual form that can b used by server 40 and can also provide the user with vocal information on the identification and arrival time of the allocated taxi; the handset converts the GPS position to a vocal message using a voice synthesizer and sends the vocal message and the position information to the server. The server translates the position information using a voice recognition system)** [Column 4, lines 53-57, Column 5, lines 54-58].

Both the Culbertson-Smith combination and Ayed are directed towards dispatching vehicles to service transit requests made by customers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Culbertson and Smith et al. to include interactive voice communication, because the resulting combination would be more versatile, in that users without immediate access to a suitable type of user input device would be able to interact with the dispatch system to modify scheduled services, and to receive updated estimates of the vehicle's arrival to the pickup point.

As per claim 12, although not explicitly taught by the combined teachings Culbertson and Smith et al., Ayed teaches the method of claim 1, further comprising customer communicating with a central dispatching system via voice communication with voice recognition and voice synthesis **(voice recognition/synthesizer system converts voice to text. It converts user's requests and instructions into a textual form that can be used by (remote) server 40 and can also provide the user with vocal information on the identification and arrival time of the allocated taxi; handset converts the GPS location to a vocal message using a voice synthesizer and sends the vocal message and the position information to the server. The server translates the position information using a voice recognition system)** [Column 4, lines 53-57, Column 5, lines 54-58].

Both the Culbertson-Smith combination and Ayed are directed towards dispatching vehicles to service transit requests made by customers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Culbertson and Smith et al. to include voice recognition and voice synthesis, because the resulting combination would be more versatile, in that users without immediate access to a suitable type of user input device would be able to interact with the dispatch system to modify scheduled services, and to receive updated estimates of the vehicle's arrival to the pickup point.

As per claim 13, although not explicitly taught by the combined teachings of Culbertson and Smith et al., Ayed teaches the method of claim 1, further comprising communication between customers and a central dispatching system via customer held personal digital assistants **(communication device is used to communicate with a wireless network; communication device may be a modem, a cellular phone, a personal communication device, a pager, or any other communication device capable of accessing a wireless network)** [Column 4, lines 10-14].

Both the Culbertson-Smith combination and Ayed are directed towards dispatching vehicles to service transit requests made by customers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Culbertson and Smith et al. to enable communication using a personal digital assistant, because the resulting combination would be more versatile, in that users without immediate access to a stationary type of user input device (such as a computer or telephone) would be able to interact with the dispatch system using a portable, mobile device in order to modify scheduled services, and to receive updated estimates of the vehicle's arrival to the pickup point.

10. Claims 6-8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culbertson in view of Smith et al. as applied to claim 5 above, and further in view of Gaspard (U.S Patent #6,240,362).

As per claim 6, although not explicitly taught by the combined teachings of Culbertson and Smith et al., Gaspard teaches the method of claim 5, further including repeated calculations of distance of the vehicle to the location of the pickup and communicating that information to the pickup location **(the host updates the route schedule, changing the predicted arrival or departure time to reflect the actual arrival or departure time; the host posts the route schedule when it is generated and as it is updated so that the posted route schedule is accessible over the network from any remote terminal; the terms "posting" or "posted" are intended to include the host actively transmitting the schedule to the terminals, for example, by facsimile, email, page, voice message, etc.)** [Column 8, lines 8-41].

Both the Culbertson-Smith combination and Gaspard are directed towards scheduling the dispatching of vehicles to transport passengers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Culbertson and Smith et al. to include the step of repeatedly calculating the distance of the vehicle from the pickup location because the resulting combination would provide customers with accurate, up-to-date information regarding the status of their scheduled transport.

As per claim 7, Culbertson teaches the method of claim 6, further including calculating time of arrival at pickup sites **(processor may calculated an estimated time of arrival at the request location and cause the request communication**

system to send an estimated time of arrival indicator back to the requesting passenger) [Column 11, lines 54-57].

As per claim 8, although not explicitly taught by the combined teachings of Culbertson and Smith et al., Gaspard teaches the method of claim 7, further including calculating time of arrival based on stored traffic patterns and time of day criteria **(host then predicts arrival and departure times for each destination along the newly scheduled route, using any suitable algorithm to predict arrival and departure times based on, for example, mileage, past travel times, speed limits, traffic reports, etc.)** [Column 7, lines 52-56].

Both the Culbertson-Smith combination and Gaspard are directed towards scheduling the dispatching of vehicles to transport passengers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Culbertson and Smith et al. to consider traffic patterns and the time of day when calculating arrival time because the resulting combination would provide customers with accurate, up-to-date information regarding the status of their scheduled transport.

As per claim 14, although not explicitly taught by the combined teachings of Culbertson and Smith et al., Gaspard teaches the method of claim 1, further comprising a central dispatching system communicating to customers pickup information and

update information via electronic messages to customers' computers **(the host updates the route schedule, changing the predicted arrival or departure time to reflect the actual arrival or departure time; the host posts the route schedule when it is generated and as it is updated so that the posted route schedule is accessible over the network from any remote terminal; the terms "posting" or "posted" are intended to include the host actively transmitting the schedule to the terminals, for example, by facsimile, email, page, voice message, etc.)** [Column 8, lines 8-41].

Both the Culbertson-Smith combination and Gaspard are directed towards scheduling the dispatching of vehicles to transport passengers; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Culbertson and Smith et al. to include the step of sending pickup information and updates to customer's computers because the resulting combination would enable the automation of the process of providing customers with accurate, up-to-date information regarding the status of their scheduled transport.

11. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culbertson in view of Smith et al. as applied to claim 1 above, and further in view of Cox et al. (U.S Patent #6,456,709).

As per claim 21, Culbertson teaches:

(c) electronic indication including information related to DNIS and ANS protocols **(when telephone numbers are used to identify locations, transit request communications device preferably includes a caller ID apparatus for automatically capturing the telephone number of the incoming transit request)** [Column 7, line 65 – Column 8, line 2].

Although not explicitly taught by the combined teachings of Culbertson and Smith et al., Cox et al. teaches the method of claim 1, further comprising:

(a) selecting a local operator based on the electronic indication **(waiting calls are then placed into an automatic call distribution queue, which is maintained by switch host computer and constructed such that queued calls are routed to available operators in the order in which they were received. When one or more operators are available, a queued call, or if no calls are queued then a new call, is connected to an available operator by switch through EXCPU/MXCPU and operator channel)** [Column 11, lines 5-13]; and

(b) providing the customer with a greeting of the local operator **(once connected to an operator, a greeting message is played for the caller)** [Column 11, lines 18-26].

Both the Culbertson-Smith combination and Cox et al. are directed towards providing users with services requested via telephone. Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined teachings of

Culbertson and Smith et al. to direct telephone calls to operators who greet the user, because doing so results in knowledgeable operators providing assistance to guide callers unfamiliar with the system, making the system more user-friendly.

As per claim 22, although not explicitly taught by the combined teachings of Culbertson and Smith et al., Cox et al. teaches the method of claim 21, wherein the greeting of the local operator includes a menu of options selectable by the customer **(voice server 120b presents the caller with an audio menu of selected directory assistance options)** [Column 12, lines 49-64, Column 13, lines 39-53].

Both the Culbertson-Smith combination and Cox et al. are directed towards providing users with services requested via telephone. Therefore, it would have been obvious to one of ordinary skill in the art to modify the combined teachings of Culbertson and Smith et al. to include a menu of customer selectable options, because menus can convey a list of services available to the user while simultaneously automating some of the responsibilities of an operator, and providing a menu eliminates the need to require separate and repeated connections that incur added monetary expense on the user's part, whereas maintaining the user's connection to a menu platform allows multiple actions to be taken to assist the user without necessarily incurring additional fees, increasing the convenience for users.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

July 3, 2007

Romain Jeanty
Primary Examiner
Art Unit 3623